

**MEMORANDUM OF UNDERSTANDING**

Between

**DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH  
AND THEIR FAMILIES**

And

**DEPARTMENT OF EDUCATION**

And

**DEPARTMENT OF CORRECTION**

November 2025

## I. PURPOSE

This Memorandum of Understanding (MOU) governs the sharing of information and educational records between the Department of Services for Children, Youth & Their Families (DSCYF), the Department of Education (DOE), and the Department of Correction (DOC) as it relates to the transition of educational services for individuals with disabilities who are currently committed to the custody of DSCYF, but will be transferred<sup>1</sup> to the custody of DOC to address their pending Superior Court charges (pursuant to 10 *Del. C.* §§ 1010 -1011) or to complete a sentence for a Superior Court conviction (pursuant to 11 *Del. C.* § 4204A)(referred to, collectively, as “active Superior Court case”).

This MOU will outline a process for the DSCYF Education Unit to be notified of students with an active Superior Court case; ascertain whether such students intend to enroll in educational services once in DOC custody; apprise such students of their right to receive special education and related services; and plan for the transition of such students’ educational services, including special education and related services, to the Adult and Prison Education Resources Workgroup within DOE.

## II. DEFINITIONS

Department of Correction (DOC): The executive branch agency responsible for supervising 4,500-5,000 inmates within its correctional facilities via the state’s unified correctional system.

DOE, Adult and Prison Education Resources Workgroup (APER): The workgroup within DOE that administers the Prison Education Program. Educational offerings are focused on academics, vocational training and life skills for successful re-entry into the community. The Prison Education Program provides education including special education and related services to IDEA-eligible individuals who are:

- placed within the DOC’s level IV correctional facilities;
- detained at DOC’s level V correctional institutions; and
- sentenced and incarcerated at DOC’s level V correctional institutions.

DSCYF, Division of Youth Rehabilitative Services (YRS): The lead juvenile justice agency in Delaware serving children ordered to its care or supervision through the judicial system. YRS operates three Level V secure care facilities (Stevenson House

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<sup>1</sup> Youth with pending Superior Court charges are transferred to the custody of DOC by Court Order, after they have been found non-amenable to the rehabilitative processes of the Family Court, pursuant to 10 *Del. C.* §§ 1010 -1011. The rehabilitative processes of the Family Court include services provided by DSCYF.

Detention Center, New Castle County Detention Center, and The Ferris School) and one Level IV staff-secure facility (The Residential Cottages).

DSCYF Education Unit: The unit within DSCYF's Division of Management Support Services responsible for the provision of educational services to individuals residing in DSCYF facilities.

DSCYF Educational Diagnostician: A special education certified teacher who oversees a special education caseload of DSCYF students. The Educational Diagnostician facilitates special education meetings, gathers data and input from teachers for use in the creation of special education documents, and provides support to teachers and students with disabilities.

DSCYF Transition Specialist: A certified teacher who coordinates the transfer of educational services for general and special education students who are planning to return to a school district or other educational placement, once discharged from DSCYF custody. The Transition Specialist facilitates transition planning meetings with the student's receiving district, or school or educational placement, regarding the educational and vocational goals of the students.

Individualized Education Plan (IEP): The written document outlining the special education and related services for a student with disabilities who is eligible under the Individuals with Disabilities Education Act (IDEA). Its purpose is to ensure students with disabilities receive a free, appropriate public education (FAPE) tailored to their unique needs and goals.

Local Educational Agency (LEA) Representative: An individual who serves on the IEP team and is responsible for ensuring that students in the LEA's educational placement receive the resources and services that are stated in their IEP.

Parent: A biological or natural parent of a child with a disability, or, as appropriate, a stepparent, guardian, educational surrogate parent, appointed educational representative, relative caregiver or custodian.

Student: An individual who receives special education services from the DSCYF Education Unit or APER.

### III. UNDERSTANDING

The parties agree to follow the process outlined below:

A. Educational Services Informational Meeting

APER and DSCYF agree to meet, at a minimum, annually to share information about the educational services available in each of their respective education programs. If a change occurs within the education program of APER or DSCYF which impacts the process outlined in this MOU for transitioning student educational services from DSCYF to APER, the agency implementing the program change will provide written notification (*e.g.*, by email, etc.) to the other agency as soon as possible, but no later than fifteen (15) school calendar days after the implementation of the change.<sup>2</sup>

B. Identification

The DSCYF Education weekly FOCUS report will list the students currently being served by the DSCYF Education Unit. The report will indicate the student's age and whether the student has an active Superior Court case. The DSCYF Educational Diagnostician will review the weekly DSCYF Education FOCUS report to determine whether any student with an active Superior Court case is approaching their 18<sup>th</sup> birthday.

C. Authorization to release records

1. Seventy (70) calendar days before the 18<sup>th</sup> birthday of a student with an active Superior Court case, the DSCYF Educational Diagnostician or DSCYF Transition Specialist will meet with the student and, when applicable<sup>3</sup>, their parent to discuss the educational services available to the student through APER if, and when, the Court orders the student to be transferred to the custody of DOC.
  - a. If the student enters YRS custody less than seventy (70) calendar days before the student's 18<sup>th</sup> birthday, the DSCYF Educational Diagnostician or DSCYF Transition Specialist will meet with the student and their parent, for the above-described purpose, as soon as possible, but no more than five (5) DSCYF school calendar days after the student's enrollment by the DSCYF Education Unit.
2. The following information will be discussed with the student and, when applicable, their parent during the above-referenced meeting:

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<sup>2</sup> The fifteen (15) school calendar days will be calculated by the school calendar of the agency that has implemented a change to their education program.

<sup>3</sup> The parent must be given an opportunity to attend the meeting if the student is a minor or if the parent is appointed as the educational representative for the student. The parent is not required to attend this informational meeting, but must attend the Transition Planning Meeting, if the student intends to enroll in educational services with APER.

- a. The student's educational rights and responsibilities once they turn 18 and are legally an adult, including their:
    - i. Choice to accept or decline educational services once in DOC custody, including special education and related services.
    - ii. Ability to appoint an educational representative and, if appointed, the educational representative's authority to accept or decline educational services on their behalf;<sup>4</sup>
  - b. The educational services available through APER, including special education and related services.
3. The DSCYF Educational Diagnostician or DSCYF Transition Specialist will review the DSCYF Authorization to Release Educational Records ("Authorization") form with the Student and, when applicable, their parent. (See Appendix A). The DSCYF Educational Diagnostician or DSCYF Transition Specialist will explain the importance of the written consent in the Authorization form as an aid in ensuring a smooth transition of educational services from DSCYF to APER. The student will document on the Authorization form whether the student intends, or does not intend, to enroll in educational services through APER, including special education and related services, when the student is transferred to DOC custody,
4. If the student and, when applicable, their parent indicates an intent to enroll in APER's educational services on the signed Authorization form, the DSCYF Education Unit will notify APER of the student's intent to enroll in APER's educational services, including special education and related services, once transferred to DOC custody. The DSCYF Education Unit will also schedule a transition planning meeting as outlined below in Section III.D.
5. To ensure the student is made aware of the information outlined above in Section III.C.2., even if the student is a minor or the parent is the student's educational representative, the meeting will be held with just the student if the parent is unwilling or unable to attend the meeting despite at least two (2) attempts to engage them. After the meeting, the parent will be sent a written summary of what was discussed with the student and a copy of the Authorization form.
  - a. If the student plans to enroll in APER's educational services, the parent must sign the Authorization form and return the signed form to the DSCYF Education Unit.
  - b. The DSCYF Education Unit will schedule a transition planning meeting, as outlined below in Section III.D., if requested by the parent. If the initial request is made verbally, the parent must also submit a signed Authorization form to be documented in the student's file.

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<sup>4</sup> If the Student lacks capacity to make educational decisions, the Student's IEP Team will appoint the educational representative for the Student, pursuant to 14 *Del. C.* § 3132(b).

- c. If the parent has not signed the Authorization form by the date of the transition planning meeting described below in Section III.D., the DSCYF Education Unit cannot provide the student's educational records to APER as described below in Section III.D.7.

D. Transition planning

1. A Transition Planning Meeting ("Meeting") will be held thirty (30) to forty-five (45) calendar days before the student's 18<sup>th</sup> birthday.
  - a. If the student enters YRS custody less than forty-five (45) calendar days before the student's 18th birthday, the Meeting will occur as soon as possible after the student and, when applicable, their parent signs the Authorization form for the DSCYF Education Unit to notify APER of the student's intent to enroll in APER's educational services.
2. The purpose of the Meeting is to exchange information, discuss the student's academic progress to date, and any special education services and related services the student currently receives according to their IEP.
3. The student and their parent may also ask questions about educational services provided by APER during the Meeting.
4. The DSCYF Education Unit will be responsible for coordinating the Meeting and inviting the required and optional participants.
5. The required participants at the Meeting include:
  - The student
  - The student's parent
  - DSCYF Transition Specialist
  - DSCYF Special Education Teacher
  - DSCYF Special Education Supervisor, serving as the DSCYF LEA Representative
  - DSCYF General Education Teacher
  - DSCYF Teacher with Career and Technical Education (CTE) Certification
  - APER Special Education Coordinator or designee
  - The Bureau of Prisons Transfer Officer
6. The optional attendees may include:
  - The student's home LEA representative
  - Related Service Providers (e.g., speech therapist, physical therapist, occupational therapist, counselor, etc.)
  - Other DSCYF Education Unit staff (e.g., principal, teachers, etc.)



- DSCYF Educational Diagnostician
  - DSCYF School Nurse
  - DSCYF School Psychologist
  - YRS Clinical Representative
  - YRS Case worker
7. After the Meeting, the DSCYF Education Unit will provide the following educational records to APER, as applicable, and as permitted by the student or parent's fully executed Authorization form:
    - a. Current Evaluation Summary Report, including documentation of medical diagnoses, as applicable
    - b. Current IEP
    - c. Current progress monitoring
    - d. Current Transcript
    - e. Any additional educational testing results, (e.g., Related Services evaluations)
    - f. Cumulative Record File
  8. If the student has already reached their 18<sup>th</sup> birthday when their charges are ordered to remain in Superior Court, pursuant to 10 *Del. C.* §§ 1010 -1011:
    - a. APER will meet with the student within four (4) APER school calendar days after the following event that occurs first:
      - i. receiving notice from the DSCYF Education Unit that the student has been transferred to DOC, or
      - ii. the student's name appears on either a DOC "Under 22" listing or a DOC List of Incarcerated Offenders.
    - b. If the student accepts APER's educational services, APER will schedule and host a Transition Planning Meeting in accordance with Section III.D, above, within ten (10) APER school calendar days after the student's arrival at their assigned DOC facility; and
    - c. DSCYF will give APER the educational records listed in Section III.D.7, above, as follows:
      - i. within three (3) DSCYF school calendar days after the student's placement in the custody of DOC, if the student or parent signed an Authorization form pursuant to Section III.C., above; or
      - ii. within three (3) DSCYF school calendar days after APER requests the records from DSCYF, if the student or parent did not sign an Authorization form pursuant to Section III.C.

E. Transfer notification

1. When the Court orders the transfer of a student to DOC custody, the DSCYF Education Unit will confirm that the student has been transferred to DOC and then notify APER.
2. The DSCYF Education Unit will then send APER any updates to the educational records provided to APER in the above Section III.D.7., as applicable, and as permitted by the student or parent's fully executed Authorization form, or consistent with a request for records from APER pursuant to 14 *Del. Admin. C.* § 925.10.6.

F. Post-Transfer

1. Introduction meeting - APER will meet with the student within ten (10) APER school calendar days after receiving notice from the DSCYF Education Unit that the student has been transferred, or the student's name showing up on a DOC "Under 22" listing or a DOC List of Incarcerated Offenders, whichever occurs first.
  - a. If APER is aware the student has an educational representative prior to the introduction meeting:
    - i. APER will make reasonable efforts to invite the educational representative to the introduction meeting; or
    - ii. Contact the educational representative after meeting with the student for review and approval of the student's choices.
    - iii. The student meeting may be delayed beyond the ten (10) calendar days to accommodate the educational representative's schedule.
  - b. At the introduction meeting, APER will confirm that the student would like education, including special education and related services; and explain how APER would provide FAPE to the student.
2. After the introduction meeting, if the student confirms that they would like to receive education including special education and related services:
  - a. APER will enroll the student in class(es);
  - b. Provide student and their educational representative (if the student has one), with a temporary placement form or the cover sheet of DSCYF's IEP (if received) and a prior written notice describing how APER is to provide FAPE to student until APER is able to review and adopt DSCYF's IEP or create a new IEP; and
  - c. Schedule evaluations and an IEP meeting, as necessary.




3. APER will provide comparable services to students who transfer from DSCYF to DOC consistent with 14 *Del. Admin. C.* §§ 925.10.4, 925.10.6, and 925.11.12<sup>5</sup>, 925.11.13, and 925.13.11.
4. DSCYF Education Unit will be available to:
  - a. Answer APER's questions regarding the student or the student's educational records; and
  - b. Attend the student's first IEP meeting held by APER, upon request.


#### IV. TERMINATION


This agreement shall remain in effect until specifically abrogated in writing by one of the parties involved, with sixty (60) days prior written notice. This agreement may be amended by the parties as necessary, by written agreement and signed by all parties. Lead reviewers of the MOU will be the DSCYF Education Unit Supervisor, the DSCYF Chief of Staff, the Director of APER, the DOE's Director of Exceptional Children Resources, and the Bureau of Prisons Transfer Officer.


#### V. AUTHORIZED SIGNATURES

IN WITNESS THEREOF, the parties hereto have caused this agreement to be executed by their duly authorized officials. This agreement is effective as of the last date of signature shown below.

  
 Steven E. Yeatman, Cabinet Secretary  
 Department of Services for Children,  
 Youth & Their Families  
 1825 Faulkland Rd  
 Wilmington, DE 19805  
 Date: 11/19/25

  
 Adam Schott, Associate Secretary  
 Student Support  
 Adult & Prison Education Resources,  
 Department of Education  
 35 Commerce Way, Suite #1  
 Dover, DE 19904  
 Date: 11/19/25

  
 Dale Matusovich, Director  
 Exceptional Children Resources  
 Department of Education  
 401 Federal Street, Suite #2  
 Dover, DE 19901  
 Date: 11/19/25

  
 Terra Taylor, Commissioner  
 Department of Correction  
 245 McKee Road  
 Dover, DE 19904  
 Date: 12/15/25

<sup>5</sup> This section of the regulation applies *only* to students who are already serving a Superior Court sentence at the time of their transfer from the custody of YRS to the custody of DOC. This section of the regulation does not apply to students who are not yet convicted in Superior Court when they are transferred to the custody of DOC.



**DSCYF**  
Department of Services for  
Children, Youth & Their Families

Division of  
Management Support Services

Education Unit

302.424.8134

**Authorization to Release Educational Records  
to the Delaware Department of Education  
Adult and Prison Education Resources Workgroup (APER)**

**Student Information**

Student's Name: \_\_\_\_\_

Student's Date of Birth: \_\_\_\_\_

Student's DSCYF Education Location: \_\_\_\_\_

**Acknowledgement**

I, \_\_\_\_\_ ("Student") and, if applicable,  
(Student Printed Name)

\_\_\_\_\_, ("Parent") Acknowledge I have  
(Parent Printed Name - If appointed as educational representative or Student is a minor)

discussed the following topics with a member of the DSCYF Education Unit:

1. The educational services (including special education and related services) that are available to Student through the Delaware Department of Education's Adult and Prison Education Resources Workgroup (APER), once Student is transferred to the custody of the Delaware Department of Correction,

**And**

2. Student's educational rights and responsibilities if Student is eighteen (18) years or older, which include:
  - o Student's choice to accept or decline educational services (including special education and related services), and
  - o The ability of Student or the Student's IEP team to appoint an educational representative, and if appointed, the educational representative's ability to accept or decline educational services on behalf of Student.

### Authorization

(\*\*\*Please initial the appropriate line\*\*\*)

\_\_\_\_\_  
(Initials) Student **DOES NOT INTEND** to enroll in educational services (including special education and related services) through APER, once placed in the custody of DOC.

**Or**

\_\_\_\_\_  
(Initials) Student **INTENDS** to enroll in educational services (including special education and related services) through APER, once placed in the custody of DOC;

**And**

1. Student (or Parent- if appointed as educational representative or Student is a minor) authorizes the exchange of Student's following educational documents between DSCYF and APER:
  - Current Evaluation Summary Report (including documentation of medical diagnoses, as applicable)
  - Current IEP
  - Current Progress Monitoring
  - Current Transcript
  - Any additional educational testing results (e.g., Related Services evaluations)
  - Cumulative Record File;

**And**

2. The purpose and legitimate educational interest for this exchange of educational documents and information is to allow APER to plan for the transition of Student's educational services (including special education and related services) from DSCYF to APER;

**And**

3. This authorization to release educational records is valid (please check one box):
  - ☐ For 365 days from the date of the signature(s) below or
  - ☐ Until \_\_\_\_/\_\_\_\_/\_\_\_\_ (please indicate a specific expiration date);

**And**

4. I understand that I:
  - Have the right not to authorize the release of the above educational records, *and*
  - Have a right to inspect any written records disclosed pursuant to this authorization, *and*
  - Have the right to revoke this authorization for the release of educational records, in writing, at any time prior to its designated expiration date. However, any revocation will not apply to information that has already been released in reliance on this authorization.

### Signatures

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Student Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent Signature

(If appointed as educational representative or Student is a minor)

\_\_\_\_\_  
Parent Printed Name

\_\_\_\_\_  
Date

A copy of this authorization shall have the same force and effect as the original authorization  
This form is to be filed in the student record

Page 2 of 2

Delaware Youth and Family Center  
1825 Faulkland Road, Wilmington, Delaware 19805